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Formed in the State of Delaware

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Attorneys for Defendants HSBC Bank USA,

National Association and Wells Fargo Bank, N.A.

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

DAE S. SHIM,

Plaintiff,

v.

HSBC BANK USA, NATIONAL
ASSOCIATION and WELLS FARGO
BANK, N.A.,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331-1332, Defendants HSBC Bank USA, National Association (“HSBC Bank”) and Wells Fargo Bank, N.A. (“Wells Fargo”) (collectively “Defendants”) by its attorneys, hereby remove this action from the Superior Court of New Jersey, Law Division, Passaic County to the United States District Court for the District of New Jersey. In support of this Notice of Removal, Defendants state as follows:

1. Plaintiff originally commenced this action by filing a Complaint against Defendants in the Superior Court of New Jersey, Law Division, Passaic County, New Jersey, under docket number PAS-L-003366-21. No further proceedings before the state court have occurred.

2. Pursuant to 28 U.S.C. §1446(a), a copy of the Complaint, the only process, pleading, or order sent but not properly served upon Defendants in this action, is attached hereto as **Exhibit A**.

3. Defendants through their undersigned counsel, accepted service of the Complaint on November 24, 2021.

4. This Notice of Removal is timely filed, having been filed within thirty (30) days of the date on which Defendants accepted service of the Complaint. 28 U.S.C. §1446(b).

5. The Superior Court of New Jersey, Law Division, Passaic County, is located within the District of New Jersey. Therefore, venue is proper because the action is being removed to the “district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

6. No previous application has been made for the relief requested herein.

7. This action is a civil action over which this Court has diversity jurisdiction under 28 U.S.C. § 1332.

8. HSBC Bank is a national banking association. The Supreme Court held in Wachovia Bank v. Schmidt, 546 U.S. 303 (2006), that for the purpose of diversity jurisdiction pursuant to 28 U.S.C. § 1332, national banking associations such as Wells Fargo are deemed citizens of states “in which they are respectively located” and a national banking association is “located” in the state in which its main office, as set forth in its articles of association, is located. HSBC Bank’s main office, as set forth in its articles of association, is currently, and was at the time the Complaint was filed, located in New York, New York. HSBC Bank is, therefore, a citizen of New York for purposes of 28 U.S.C. § 1332(a)(1) and (c)(1).

9. Wells Fargo Bank, N.A. is a national banking association. The Supreme Court held in Wachovia Bank v. Schmidt, 546 U.S. 303 (2006), that for the purpose of diversity jurisdiction pursuant to 28 U.S.C. § 1332, national banking associations such as Wells Fargo are deemed citizens of states “in which they are respectively located” and a national banking association is “located” in the state in which its main office, as set forth in its articles of association, is located. Wells Fargo’s main office, as set forth in its articles of association, is currently, and was at the time the Complaint was filed, located in Sioux Falls, South Dakota. Wells Fargo is, therefore, a citizen of South Dakota for purposes of 28 U.S.C. § 1332(a)(1) and (c)(1).

10. Plaintiff, by her own admission, is a resident of New Jersey residing at 23 Independence Trail, Totowa, New Jersey.

11. The amount in controversy exceeds \$75,000.00. Plaintiff identify their damages as being in excess of \$300,000.00 together with an award of actual, statutory, punitive and/or treble damages and litigation costs against Defendants, all of which exceeds the \$75,000.00 amount in controversy requirement of 28 U.S.C. § 1332(a).

12. Because this action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1) due to the complete diversity of the parties that existed at the time the Complaint was filed and continues to exist to date, and an amount in controversy above the \$75,000.00 threshold, this action is properly removable to this Court by Defendants pursuant to 28 U.S.C. § 1441(b).

13. Pursuant to 28 U.S.C. §1446(d), written notice of this Notice of Removal of this action is being immediately filed with the Superior Court of New Jersey, Passaic County, Law Division.

14. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal of this action is being served upon Plaintiff.

WHEREFORE, Defendants gives notice that this action is removed from the Superior Court of New Jersey, Passaic County, Law Division, to the United States District Court for the District of New Jersey.

REED SMITH LLP

Dated: December 6, 2021

By: /s/ Aaron M. Bender

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